

**REAL ESTATE BOARD  
MINUTES  
MAY 27, 2004**

- PRESENT:** Richard Hinsman, Richard A. Kollmansberger, Peter Sveum, and Maria E. Watts, Lloyd Levin, and Rebecca J. Dysland (via telephone)
- EXCUSED:** Maria Watts was excused at 12:30 p.m.
- STAFF PRESENT:** Patricia Hoeft, Division Administrator of Board Services, William Black, Legal Counsel, Pat Schenck, Program Assistant, and Division of Enforcement Staff
- GUESTS:** Rick Staff, Wisconsin Realtors Association (WRA)

**CALL TO ORDER**

Richard Kollmansberger, Chair, called the meeting to order at 10:01 a.m. A quorum of six members was present.

**ADOPTION OF AGENDA**

**Additions to agenda:**

- Schedule screening panel members.
- Add Case 02 REB 046 to Item 12. b. xii.

**MOTION:** Richard Hinsman, moved, seconded by Lloyd Levin, to adopt the agenda with amendments. Motion carried unanimously.

**APPROVAL OF MINUTES MARCH 25, 2004**

**MOTION:** Peter Sveum moved, seconded by Maria Watts, to approve the minutes of March 25, 2004 as written. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT**

- i. Charles D. Becker, and Post Realty Inc. 01 REB 001
- ii. Robert W. Johnson 01 REB 273
- iii. Robert H. Clewlow 04 REB 005
- iv. Robert C. Welch II d/b/a Robert C. Welch II Realty 00 REB 121
- v. Douglas K. Stanich 03 REB 278

**ADMINISTRATIVE REPORT  
PATRICIA HOEFT, DIVISION ADMINISTRATOR  
BOARD ROSTER**

The Board members provided updated addresses and phone numbers.

Richard Kollmansberger – Fax number changed to: FAX (262) 542-4378

Volunteers serving on rotating two person screening panels are as follows:

June 24, 2004 Peter Sveum and Richard Hinsman

Team 1 Lloyd Levin, Rebecca Dysland - July

Team 2 Peter Sveum, Maria Watts - August

Team 3 Richard Kollmansberger, Lisabeth Weirich

**2004 BOARD MEETING DATES**

Next meeting scheduled for July 22, 2004.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES,  
ADMINISTRATIVE RULES AND LEGISLATION**

Noted.

**REGULATORY DIGEST**

The Board requested that an article on continuing education requirements be included in the Regulatory Digest Newsletter. Ms. Hoeft requested additional articles and topics from the Board. Lloyd Levin will write an article on continuing education for the newsletter.

**DIVISIONS OF BOARD SERVICES AND ENFORCEMENT PRESENTATION ABOUT  
IMPROVEMENTS AND NEW DRL WEBSITE <http://drl.wi.gov>.**

Deputy Secretary Sandra Rowe, Patricia Hoeft, Division Administrator gave a presentation on efficiency and effectiveness initiatives within the Department and the Division of Enforcement in areas of focus for each Division, purpose, challenges with limited staff, new rule making steps, complaint intake challenges, screening complaints, monitoring, and recommendations for improvements. Peggy DaValt, member of the Departments IT staff, presented an overview of the Departments new website <http://drl.wi.gov>.

Deputy Secretary Sandra Rowe answered questions from the Board regarding Division of Enforcement issues.

**EDUCATION AND EXAMINATIONS  
CONTINUING EDUCATION REQUIREMENTS FOR ALL LICENSEES**

The Board discussed whether the Department should require new licensees to take additional continuing education credits prior to renewal of their license in the biennium they receive their original license and if there is a public need to show that continuing education should be required from new graduates. Are students getting the education necessary in school to work competently in the profession? Additional education, other than what they are learning in school, teaches a professional what is fundamentally essential to be competent in their profession.

**MOTION:** Peter Sveum moved, seconded by Maria Watts, to reaffirm motion made on 10/23/04 to recommend to the Department that all licensees be required to complete continuing education credits during the next biennium prior to renewal and that the Department identifies any issues in regards to late biennium licensure and explore ideas of accommodating new licensees who received their license in the last quarter of the biennium. Motion carried unanimously.

**REPORT OF THE REAL ESTATE CURRICULUM AND EXAMINATIONS COUNCIL**

Lloyd Levin reported that the Council is working on creating forms and reviewing requirement information to be included in packets for the next biennium. The Council will meet on July 22, 2004 at 1:00 p.m. after the Real Estate Board meeting. The Council will review materials and make recommendations to the Board.

Rick Staff stated that he would like to see more specifics regarding Course IV recorded in the April 23, 2004 Council meeting minutes.

**LEGISLATION  
RECIPROCITY AGREEMENTS**

Mr. Black reported that Act 168 is moving forward. Mr. Black is checking with other state jurisdictions and working with Rick Staff, WRA to understand the differences from other jurisdictions and Wisconsin's requirements for licensure. Ms. Hoeft requested information from the Board regarding items and parameters. Wisconsin's National NAR program is different than other states. Other states should understand the difference from Wisconsin's law and other states law.

The Board will review RL 25 for requirements listed to see if they are in line with other states requirements. The Council will identify and add to the September agenda.

**ADMINISTRATIVE RULES  
DRAFT OF PROPOSED SUPERVISION RULE TO AMEND RL 17**

The Board reviewed and discussed the draft of the proposed supervision rule change to RL 17

**MOTION:** Richard Hinsman moved, seconded by Lloyd Levin, to approve the revision to the supervision rule RL 17.08 and amendments to RL 17.02 (4g) (a). Motion carried unanimously.

**REVIEW DRAFT OF BROCHURE PROPOSED TO IMPROVE AGENCY  
DISCLOSURE**

The Board reviewed and discussed the draft of an informational brochure "Your Rights as a Home Buyer or Seller" drafted by William Black, Legal Counsel, and Rick Staff, WRA.

**UNAUTHORIZED PRACTICE OF LAW STATUS**

Mr. Black reported that the State Bar's focus of unlicensed practice is not directed toward the Real Estate Profession.

**PRACTICE QUESTION REGARDING NEGOTIATION**

The Board discussed guidelines regarding negotiations to protect the buyer and writing an article for the Regulatory Digest Newsletter. Negotiating includes discussing the potential terms by which the buyer might make an inquiry.

**PUBLIC COMMENTS**

None.

**CLOSED SESSION**

**MOTION:** Lloyd Levin moved, seconded by Richard Hinsman, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning. Motion carried by roll call vote. Richard Hinsman-yes; Richard A. Kollmansberger-yes; Peter Sveum-yes; Rebecca Dysland-yes; Lloyd Levin-yes.

Open session recessed at 12:57 p.m.

### RECONVENE TO OPEN SESSION

**MOTION:** Richard Hinsman moved, seconded by Peter Sveum, to reconvene into Open Session at 1:25 p.m. Motion carried unanimously.

### VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

#### MONITORING REPORT KAREN PEARCE 02 REB 142

**MOTION:** Richard Hinsman moved, seconded by Lloyd Levin, to grant Karen M. Pearce a six-month stay of suspension to practice as a real estate salesperson.. Motion carried unanimously.

### CASE CLOSINGS

**MOTION:** Rebecca Dysland moved, seconded by Peter Sveum, to close the following cases: Motion carried unanimously.  
**03 REB 198** close for prosecutorial discretion (P5).  
**02 REB 108** close for prosecutorial discretion (P1).  
**02 REB 046** close for insufficient evidence.  
**01 REB 198** close for no violation.  
**02 REB 025** close for no violation.  
**01 REB 339** close for insufficient evidence.  
**01 REB 059** close for prosecutorial discretion (P5)  
**03 REB 097** close for no violation.  
**00 REB 271** close for prosecutorial discretion (P7).  
**03 REB 030** close for prosecutorial discretion (P7).  
**03 REB 008** close for no violation.  
**02 REB 040** close for insufficient evidence.

#### ADMINISTRATIVE WARNINGS 01 REB 240 WILLIAM LEITH

**MOTION:** Lloyd Levin moved, seconded by Rebecca Dysland, to accept the administrative warning as written for case **01 REB 240 William Leith**. Richard Kollmansberger, Case Advisor. Motion carried unanimously.

#### 02 REB 108 PARKER REALTORS, INC.

**MOTION:** Lloyd Levin moved, seconded by Rebecca Dysland, to accept the administrative warning as written for case **02 REB 108 Parker Realtors, Inc.** Richard Hinsman Case Advisor. Motion carried unanimously.

**STIPULATIONS**  
**CHARLES D. BECKER AND POST REALTY INC. 01 REB 001**

**MOTION:** Peter Sveum moved, seconded by Rebecca Dysland, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Charles D. Becker and Post Realty Inc. 01 REB 001**. Motion carried unanimously.

**ROBERT W. JOHNSON 01 REB 273**

**MOTION:** Peter Sveum moved, seconded by Rebecca Dysland, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Robert W. Johnson 01 REB 273**. Motion carried unanimously.

**ROBERT H. CLEWLOW 04 REB 005**

**MOTION:** Peter Sveum moved, seconded by Rebecca Dysland, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Robert H. Clewlow 04 REB 005**. Motion carried unanimously.

**ROBERT C. WEICH II D/B/A ROBERT C. WEICH II REALTY 00 REB 121**

**MOTION:** Peter Sveum moved, seconded by Rebecca Dysland, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Robert C. Weich II d/b/a Robert C. Weich II Realty 00 REB 121**. Motion carried unanimously.

**DOUGLAS K. STANICH 03 REB 278**

**MOTION:** Peter Sveum moved, seconded by Rebecca Dysland, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in the matter concerning **Douglas K. Stanich 03 REB 278**. Motion carried unanimously.

**PROPOSED ORDER FIXING COSTS**  
**HELEN R. PATENAUDE d/b/a RIVER REALTY LS 0306042REB**

**MOTION:** Peter Sveum moved, seconded by Richard Hinsman, to adopt the Order Fixing Costs in the matter concerning **Helen R. Patenaude d/b/a River Realty LS 0306042REB**. Motion carried unanimously.

**SUCH OTHER ITEMS AS AUTHORIZED BY LAW**

None.

**ADJOURNMENT**

**MOTION:** Peer Sveum moved, seconded by Richard Hinsman, to adjourn the meeting at 1:26 p.m. Motion carried unanimously.

**Next Meeting July 22, 2004**

**Suggested Agenda Item For Next Meeting: July 22, 2004**

- RL 25 - List of Requirements in RL 25 in line with other jurisdictions requirements.